

MICHIGAN DEPARTMENT OF  
**CIVIL RIGHTS**

**“Comprehensive” anti-bullying legislation should do ALL the following:**

☒ **Included in HB-4163 as introduced**

☒ **Included in H-2 version**

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- ☒ ☒ Require that parents and students be given the opportunity to have input into the process of adopting the policy. (Not only is the input itself important, the discussion will increase everyone’s awareness of the issue.)
- ☒ ☒ Require that policies must be filed with the State and available to all for review. (Not only does this ensure compliance, it will allow identification of ‘best practices’ and permit parents and students to compare their school’s policy to others.)
- ☐ ☒ Fully define bullying without using undefined terms like abuse.
- ☐ ☒ Clearly prohibit bullying, regardless of its subject matter or motivating animus.
- ☐ ☒ Define bullying in a way that focuses on the perpetrator’s intent to cause harm, or unreasonable disregard for the predictable result of causing harm. (Not merely whether harm resulted.)
- ☐ ☒ Prohibit knowingly making false reports of bullying, and provide for discipline of those who do.
- ☐ ☐ Enumerate and specifically prohibit those forms of bullying that are most likely to lead to student suicide and/or most likely to be ignored or excused.\*
- ☐ ☒ Clearly state that neither the legislation nor resulting school policies may be used to limit free speech rights.
- ☐ ☒ Protect teachers from liability when acting in good faith and making reports.

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\* Bullying based upon certain types of animus (actual/perceived sexuality and disability in particular) are more likely to result in student suicides. Too often, bullying incidents based on these same types of animus are also the ones that are ignored by those who find them to be “understandable.” Enumerating and specifically including these bases for animus in a general prohibition on bullying helps to ensure they are properly addressed. Anti-bullying legislation thus better protects students when it is “enumerated.” Legislation, nonetheless, can protect all students without enumeration.

- ☐ ☒ If not enumerating specific examples (preferable), define bullying in a way that clearly protects ALL students.
- ☐ ☒ Require that the policy be communicated to students, parents and staff. Require that it be included in student code and that it be posted on school web sites.
- ☐ ☒ Require that school policies describe the range of possible disciplinary actions that may be taken.
- ☐ ☒ Require that discipline not be imposed based solely upon anonymous reports of bullying.
- ☐ ☒ Prohibit retaliation against those who in good faith report incidents of possible bullying, and provide for discipline of those who do retaliate.
- ☐ ☒ Require prompt notification of the parents or guardians of both the victims and perpetrators of acts of bullying.
- ☒ ☒ Apply to cyberbullying when done using school equipment.
- ☐ ☒ Apply to cyberbullying and other conduct that effects the orderly operation of the school, or is intended to interfere with students' educational opportunities, whether or not occurring on school premises or equipment.
- ☐ ☒ Require that a school's policy inform students and staff how to report acts of bullying.
- ☐ ☒ Require that school staff must report any personal knowledge of acts of bullying to the administrators responsible for investigating reports of bullying. (Individual teachers should not be required to decide what is 'serious enough' to report. Acts that individually may not appear 'serious' may constitute bullying when regularly repeated over time.)
- ☐ ☒ Require that all reported incidents of bullying be investigated, all investigations be documented, and all verified incidents be recorded.
- ☐ ☐ Require annual reporting of verified incidents to the State (Dept. of Education).
- ☐ ☒ Provide for referral of bullies, their victims and those observing bullying to counseling or other services when deemed appropriate.
- ☐ ☐ Mandate continuing training and educational programs for both students and faculty. (The H-2 version does encourage schools to provide training.)
- ☐ ☒ Encourage creation of student courts and clubs to assist in schools' anti-bullying efforts.